

RECEIVED  
CENTRAL FAX CENTER  
MAY 24 2006



Ecolab Inc.

Mail Stop ESC-F7  
655 Lone Oak Drive  
Eagan, Minnesota 55121

**FAX TRANSMISSION**  
**PLEASE HANDLE IMMEDIATELY**  
**IF COPY IS ILLEGIBLE OR INCOMPLETE, PLEASE CONTACT THE SENDER**

Page(s) 9 (including this page)

TO: Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Fax: 1-571-273-8300

FROM: Anneliese S. Mayer  
Senior Patent Attorney

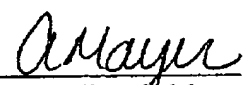
Phone: 651-795-5661  
Fax: 651-204-7507  
E-mail: anneliese.mayer@ecolab.com

Title of Document Transmitted:

- Communication Requesting Withdrawal of Notification of Abandonment
- Exhibits 1-6
- Notification of Abandonment

Applicant: Rogmann et al.  
Serial No.: 10/518,672  
Filed: December 16, 2004  
Group Art Unit: UNKNOWN  
Our Ref. No.: 1997USWO  
Examiner: UNKNOWN  
Confirmation No.: 6758

Please charge any additional fees or credit overpayment to Deposit Account No. 501257. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By:   
Name: Anneliese S. Mayer  
Reg. No.: 54,434

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

  
Signature

5/24/06  
Date

This facsimile may contain CONFIDENTIAL INFORMATION, which may also be LEGALLY PRIVILEGED, and which is intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby on notice that you are in possession of the confidential or privileged information. Any dissemination, distribution or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify the sender by telephone (collect) and return the original facsimile to the sender at the above address via the U.S. Postal Service.

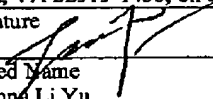
MAY 24 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROGMANN ET AL. Examiner: UNKNOWN  
Serial No.: 10/518,672 Group Art Unit: UNKNOWN  
Filed: DECEMBER 16, 2004 Docket No.: 1997USWO  
Conf No. 6758  
Title: FLOOR CLEANING AND CARE COMPOSITIONS

Certificate of Facsimile Transmission

Pursuant to 37 CFR 1.6(d), I hereby certify that this correspondence is being sent to the facsimile number shown below, addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below indicated date.

Facsimile Number 571-273-8300	Signature 
Date of Transmission 5/24/06	Printed Name Susanna Li Yu

COMMUNICATION REQUESTING WITHDRAWAL OF  
NOTIFICATION OF ABANDONMENT

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Communication is being submitted in response to the Notification of Abandonment mailed May 2, 2006. The Notification of Abandonment states that the above-identified patent application was abandoned because the applicants "Failed to respond to notice of missing part, 905 mailed 6/28/05". Applicants respectfully request withdrawal of the Notification of Abandonment.

Attached hereto are Exhibit 1, a copy of the Combined Declaration and Power of Attorney that was filed via Express Mail on January 11, 2005 with Express Mail No. EV320427887US; Exhibit 2, a copy of the Transmittal Sheet; Exhibit 3, a copy of the Communication regarding Missing Parts; Exhibit 4, a copy of the Express Mail Customer Copy; Exhibit 5, a copy of the check for the amount of \$130.00 being the fee for the Missing Requirements; and Exhibit 6, a copy of the stamped returned postcard. Applicants note that the date stamp on returned postcard is wrong. It is dated July 10, 2004 when the documents were sent on January 11, 2005.

The attached documents show that a timely response was filed with respect to the above-referenced application. Accordingly, the Patent Office is respectfully requested to withdraw the Notification of Abandonment and resume prosecution of this application.

If a telephone conference would be helpful in resolving this matter, the undersigned attorney can be reached at (651)-795-5661.



ECOLAB INC.  
Law Department  
Mail Stop ESC-F7  
655 Lone Oak Drive  
Eagan, Minnesota 55121  
Phone Number: (651) 795-5661  
Fax Number: (651) 204-7507

Date:

May 24, 2006

By:

AMayer

Name: Anneliese S. Mayer  
Reg. No. 54,434

# EXHIBIT 1

Attorney Docket No.: 1997USWO

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: FLOOR CLEANING AND CARE COMPOSITIONS

The specification of which

- a. ☐ is attached hereto  
 b. ☒ was filed on \_\_\_\_\_ as application serial no. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/EP03/006497 filed June 20, 2003 and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the Application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.  
 b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Germany	102 29 421.6	29 June, 2002	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
PCT/EP03/006497	20 June, 2003	Pending

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER(S)	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

*Attorney Docket No.: 1997USWO***§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines; to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Attorney Docket No.: 1997USWO

I hereby appoint the following attorneys and/or patent agents to prosecute this application and to transact all business in the Patent and Trademark Office:

Andrew D. Sorensen      Reg. No. 33,606  
 Anneliene M. Seifert      Reg. No. 54,434


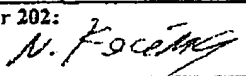
I hereby authorize him to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Andrew Sorensen of Ecolab Inc. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and Ecolab, or any of its attorneys.


Please direct all correspondence in this case to Andrew D. Sorensen at the address indicated below:

Andrew D. Sorensen  
 Ecolab Inc.  
 Research and Development Center  
 840 Sibley Memorial Highway  
 Mendota Heights, Minnesota 55118  
 Telephone: 651-306-5810  
 Facsimile: 651-306-4272

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

201	Full Name Of Inventor	Family Name ROGMANN	First Given Name KARL-HEINZ	Second Given Name
	Residence & Citizenship	City RATINGEN	State or Foreign Country GERMANY	Country of Citizenship GERMANY
	Mailing Address	Address RATIBORER STR. 41	City RATINGEN	State & Zip Code/Country 40880 / GERMANY
Signature of Inventor 201:			Date:	
			26.12.04	
202	Full Name Of Inventor	Family Name KRJENS	First Given Name NICOLA	Second Given Name
	Residence & Citizenship	City BOCHUM	State or Foreign Country GERMANY	Country of Citizenship GERMANY
	Mailing Address	Address OSTRING 22	City BOCHUM	State & Zip Code/Country 44787 / GERMANY
Signature of Inventor 202:			Date:	
			20.12.04	

Attorney Docket No.: 1997USWO

2	Full Name Of Inventor	Family Name FAUBEL	First Given Name HEIKO	Second Given Name
0	Residence & Citizenship	City WERMELSKIRCHEN	State or Foreign Country GERMANY	Country of Citizenship GERMANY
3	Mailing Address	Address ERLENWEG 2	City WERMELSKIRCHEN	State & Zip Code/Country 42929 / GERMANY
Signature of Inventor 203: 			Date: 11/5/05	



## **EXHIBIT 2**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ROGMANN ET AL.	Examiner:	UNKNOWN
Serial No.:	10/518,672	Group Art Unit:	UNKNOWN
Filed:	DECEMBER 16, 2004	Docket No.:	1997USWO
Conf No.	UNKNOWN		
Title:	FLOOR CLEANING AND CARE COMPOSITIONS		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV320427887US

Date of Deposit: 1/11/05

**EV320427887US**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: Susanna Li Yu

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

- ☒ Transmittal Sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Check in the amount of \$130.00 for Missing Requirement Fee
- ☒ Other: Communication regarding Missing Requirements
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 501257. A duplicate of this sheet is enclosed.

Respectfully submitted,

ECOLAB INC.  
Law Department  
Research and Development Center  
840 Sibley Memorial Highway  
Mendota Heights, MN 55118  
Telephone: (651) 306-5810  
Facsimile: (651) 306-4272

Dated: 1/11/2005

By:

Anneliese M. Seifert  
Name: Anneliese M. Seifert  
Reg. No. 54,434

## **EXHIBIT 3**

RECEIVED  
CENTRAL FAX CENTER

MAY 24 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ROGMANN ET AL.	Examiner:	UNKNOWN
Serial No.:	10/518,672	Group Art Unit:	UNKNOWN
Filed:	DECEMBER 16, 2004	Docket No.:	1997USWO
Conf No.	UNKNOWN		
Title:	FLOOR CLEANING AND CARE COMPOSITIONS		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV320427887US

Date of Deposit: 1/11/05

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: Susanna Li Yu

COMMUNICATION REGARDING MISSING REQUIREMENTS

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-identified application, enclosed please find the originally signed Combined Declaration and Power of Attorney. Also enclosed is check in the amount of \$130.00 to cover the Missing Requirements completion fee. To date, we have not received the Notification of Missing Requirements. We therefore do not enclose a copy thereof herewith.

Respectfully submitted,



ECOLAB INC.  
Law Department  
Research and Development Center  
840 Sibley Memorial Highway  
Mendota Heights, MN 55118  
Telephone: (651) 306-5810  
Facsimile: (651) 306-4272

Dated: 1/11/2005

By: Anneliese M. Seifert

Name: Anneliese M. Seifert  
Reg. No. 54,434

# EXHIBIT 4

 EV 320427887 US		 <b>EXPRESS MAIL</b> UNITED STATES POSTAL SERVICE®		<b>Customer Copy</b> Label 11-F June 2002	
<b>Post Office To Addressee</b>					
<b>ORIGIN (POSTAL USE ONLY)</b>					
PO ZIP Code 53150	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/> Flat Rate Envelope	Postage \$ 13.05		Return Receipt Fee	
Date In Mo. Day Year 11 11 05	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day		Int'l Alpha Country Code	
Time In Mo. Day Year 11 11 05	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	COD Fee		Insurance Fee	
Weight Lbs. 3.02	No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials A		Total Postage & Fees \$ 13.05	
<b>CUSTOMER USE ONLY</b> METHOD OF PAYMENT Express Mail Corporate Acct. No. X551265					
<b>FROM: (PLEASE PRINT)</b> ANNELISE M SEIFERT PATENT ATTORNEY ECCLAB INC 840 SIBLEY MEMORIAL HWY SAINT PAUL MN 55116-1700 Ref: 1997 HSNV			<b>TO: (PLEASE PRINT)</b> MAIL STOP COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450 MISSING PART		
PRESS HERE TO You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com					

# EXHIBIT 5

32529670 Ecolab Inc. Ecolab Center St. Paul, MN 56102  
 INVOICE-REF GROSS AMOUNT DISCOUNT/ADJ NET AMOUNT  
 1997USW012 130.00 .00 130.00

VENDOR # V000067132

DETACH BEFORE DEPOSITING

TOTAL

130.00

**Ecolab**

Ecolab Inc.  
 Ecolab Center  
 St. Paul, MN 56102

Gilbertk Deleware  
 One Pearls Way  
 New Castle, DE 19720

CHECK DATE

12 22 04

PAY EXACTLY

\*\*\*\*\*130

DOLLARS AND 00 CENTS

CHECK AMOUNT

\$ \*\*\*\*\*130.00

TO THE ORDER OF

VOID AFTER 120 DAYS

COMMISSIONER FOR PATENTS  
 MAIL STOP MISSING PARTS  
 PO BOX 1450  
 ALEXANDRIA VA 22313-1450

Ecolab Inc.

VICE PRESIDENT & TREASURER

*Mark Langford*

32529670

00311002091

39116553



# EXHIBIT 6

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Trademark Office:

Applicant: ROGMANN ET AL.

Title: FLOOR CLEANING AND CARE COMPOSITIONS

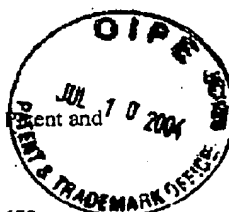
Docket No.: 1997USWO

S/N: 10/518,672

Express Mail No.: EV320427887US

Date of Deposit: 1/11/05

- ☒ Transmittal Sheet, in duplicate, containing Certificate under 37 CFR 1.1
- ☒ Communication Regarding Missing Requirements
- ☒ Check in the amount of \$130.00 for Missing Requirement Fee
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Return postcard



*Handwritten mark, possibly initials or a signature.*



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/518,672	Karl-Heinz ROGMANN	1997USWO

INTERNATIONAL APPLICATION NO.

PCT/EP03/06497

I.A. FILING DATE	PRIORITY DATE
06/20/2003	06/29/2002

43896  
ECOLAB INC.  
MAIL STOP ESC-F7, 655 LONE OAK DRIVE  
EAGAN, MN 55121

**RECEIVED**

MAY 05 2006

INTELLECTUAL  
PROPERTY

CONFIRMATION NO. 6758

371  
ABANDONMENT/TERMINATION  
LETTER



\*OC000000018655344\*

Date Mailed: 05/02/2006

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Failed to respond to notice of missing part, 905 mailed 6/28/05

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)